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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,414	09/04/2003	Gregory P. Gerber	GRD0235.US	7386
7590 Todd T. Taylor TAYLOR & AUST, P.C. 142 S. Main St. P.O. Box 560 Avilla, IN 46710			EXAMINER KWIECINSKI, RYAN D	
			ART UNIT 3635	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,414	Applicant(s) GERBER, GREGORY P.	
	Examiner RYAN D. KWIECINSKI	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/13/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the aperture in the base cover per claims 1, 6, and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph,
as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12, 14, and 16, recite the limitation “nonsupportive relative to said plurality of electrical conductors”, this limitation is vague, indefinite, and confusing because it is unclear whether the Applicant is using nonsupportive as not supporting the weight of the conductors or if Applicant means the mounting bracket does not function with the electrical conductors.

The claims have been examined as best understood.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 6-7, 9, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,503,565 to McCoy.

Claims 1-2, 4, 6-7, 9, and 12-15:

McCoy discloses a modular wall panel assembly comprising:

a modular wall panel (12,14, Fig.1) including a base cover (front surface of 12,14 at the bottom, Fig.1) with at least one aperture (38, Fig.1);

an electrical distribution harness (14,16) connected to said modular wall panel, said electrical distribution harness including:

an electrical connector (48) including a plurality of terminals (50);

at least one channel (16) extending from and electrically connected with said electrical connector (conductors running through the channel), said at least one channel including a plurality of electrical conductors (wires connecting 48 and 20) at least partially therein, said plurality of electrical conductors connected with said plurality of terminals (wires connect 48 and 20);

an electrical receptacle (30) connected to said electrical connector; and

at least one receptacle mounting bracket (40) positioned outside of said at least one channel and directly on said electrical receptacle (directly overtop of the receptacle), said at least one receptacle mounting bracket having a cutout (46) at least partially surrounding and supporting said electrical receptacle, said receptacle mounting bracket having at least one attachment element (left and right sides with the hole in 40) connected to at least one of said modular wall panel (42 connects to modular panel), said electrical receptacle protruding through both at least one said aperture and at least one said receptacle mounting bracket (Column 6, lines 50-60);

wherein said receptacle mounting bracket includes a rectangular frame (40);

wherein said mounting bracket includes a frame complimentary in shape to said receptacle (40);

wherein each of said at least one receptacle mounting bracket is nonsupportive to said plurality of electrical conductors (bracket is fastened to the modular wall and does not support the weight of the conductors);

wherein each of said at least one receptacle mounting bracket couples with only one said electrical receptacle (bracket has one opening 46 which will accommodate 1 receptacle 30) and is nonconfigured for coupling with more than one said electrical receptacle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy.

Claims 5 and 10:

McCoy discloses the modular wall panel assembly of claim 1, further including a fastener (42), wherein said attachment element has a hole (hole through which 42 is placed, Fig.1), said fastener extending through said hole.

McCoy does not specifically disclose wherein the fastener is attached to a corresponding said channel. but he does disclose the fastener attached to the wall panel to keep the mounting bracket in a desired position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fastener to attach the mounting bracket to the wall panel as well as the channel in order to secure the mounting panel in a desired position on the wall panel and the channel and the receptacle in a desired position within the wall panel. Therefore the channel and receptacle cannot be jarred from their locations during shipments, wall movements, etc.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy in view of US 6,173,536 B1 to Boyce.

Claims 3 and 8:

McCoy discloses the modular wall panel and harness of claims 1 and 6, but does not disclose a C-shaped cross section of the mounting bracket.

Boyce discloses a c-shaped cross section (cover over hole 50 shown in Fig.2) of a mounting bracket.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the mounting bracket of Boyce which is notoriously well known in the art in order to cover the receptacle of McCoy. The brackets of Boyce

are commonly used to cover receptacles, switches, etc. The c-shaped cross section provides an aesthetically appealing look to the exterior of the receptacle.

Claims 11 and 16-17 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy in view of US 4,017,137 to Parks.

Claim 11:

McCoy discloses a method for connecting an electrical receptacle to an electrical distribution harness for a modular wall panel having a base cover with at least one aperture, comprising the steps of:

providing an electrical distribution harness (14,16, Fig.1) including at least one channel (16) having a plurality of electrical conductors (wires running through 16) at least partially therein and an electrical connector (48) including a plurality of terminals (50), said plurality of electrical conductors connected with said plurality of terminals (wires connect 48 and 20);

connecting the electrical receptacle into said electrical connector (30 goes into 48);

placing a receptacle mounting bracket (40) over the electrical receptacle such that a cutout at least partially surrounds and supports the electrical receptacle (Column 6, line 50-60);

positioning said receptacle mounting bracket outside of said at least one channel and directly on said electrical receptacle (bracket is located directly over the receptacle); and inserting the electrical receptacle through at least one said aperture (Column 6, lines 50-60).

McCoy does not disclose attaching the receptacle mounting bracket to the electrical distribution harness.

Parks discloses attaching the mounting bracket to the harness (98 fits into 10, Fig.1; the bracket is connected to the harness 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have connected the mounting bracket to the outside of inside of the modular wall panel. Placing the bracket inside or outside of the wall panel merely affects the aesthetics of the modular wall panel. Mounting the bracket to the electrical harness will still provide a support for the receptacle and will also provide the aesthetics through the aperture.

16-17:

McCoy in view of Parks discloses the method of claim 11, Parks also discloses wherein each of said at least one receptacle mounting bracket is nonsupportive to said plurality of electrical conductors (bracket is fastened to the receptacle and does not support the weight of the conductors);

wherein each of said at least one receptacle mounting bracket couples with only one said electrical receptacle (bracket 94 is fit to cover the single receptacle 16, Fig.1) and is nonconfigured for coupling with more than one said electrical receptacle.

Response to Arguments

Applicant's arguments filed 23 August 2007 have been fully considered but they are not persuasive.

Applicant argues that the mounting bracket is not directly on the receptacle and that the mounting bracket does not support the receptacle. This is not found persuasive.

The cover is mounted over the receptacle and the receptacle protrudes through the opening in the mounting bracket of McCoy therefore the mounting bracket would be directly on the receptacle. Also since the receptacle protrudes through the opening in the mounting bracket, the mounting bracket will in fact support (and is capable of supporting) the receptacle in the vertical direction.

Claims 3 and 8 are no longer objected to as being allowable if combined with the independent claims. All of the claims have been rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is

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(571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/
Examiner, Art Unit 3635

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635

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